IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.255 OF 2006
IN
WRIT PETITION NO.1911 OF 2004

Mr.Vinodkumar Baldevsingh Saigal, Indian Inhabitant, Aged: about 62 years, residing at 1st Floor, Russi Villa, 55, Peddar Road, Mumbai-400 026. ..PETITIONER.

Versus

1. Mumbai Building Reparis & Reconstruction Board,89-98, Rajani Mahal, Tardeo Road, Mumbai-400 034.

2. Mrs.Nargis Oomerbhoy,Indian Inhabitant, aged about 55 years, residing at 55, Russi Villa, Peddar Road, Dr.G.Deshmukh Marg, Mumbai-400 026. ..RESPONDENTS.

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Mr.H.S.S.Murthy i/b. Milan Bhise, Advocate for the petitioner.
Mr.A.Y.Bookwala with Mr.C.S.Balsara, i/b. Thokore Jariwale & Assoc. for Respondent No.2.
Mr.G.W.Mattos, A.G.P., for Respondent No.1.

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CORAM : **F.I.REBELLO AND SMT.V.K.TAHILRAMANI,JJ.**

DATED : **AUGUST 04, 2006.**

ORAL ORDER :(PER SMT.V.K.TAHILRAMANI,J.)

1. This Notice of Motion had been taken out by the Original Respondent No.2 in Writ Petition

No.1911 of 2004. The said Petition was disposed of vide order dated 14th October, 2004 by giving certain directions and more particularly regarding repairs / renovation to be carried out to the suit building i.e Russi Vila, 55, Pedder Road, Mumbai-400 026 under the supervision and control of an Architect to be appointed by the Prothonotary and Senior Master of this Court. It was further directed that the said repair work, structural or otherwise, shall be started and completed within a period of twenty two months without fail; and at the same time the parties have been granted liberty to seek extension of time for bonafide reasons.

2. We have also noted that the Prothonotary and Senior Master has appointed Mr. A.B.Patwardhan, Architects and Engineers to supervise all repairs to be carried out; and the said Architect has addressed letters dated 18.5.2005 and 26.4.2005 to the respective parties including original Respondent No.1.

3. Though, the Land Lady (Original Respondent No.2) alleges that the tenant (original

Petitioner) has been responsible for delays in undertaking the repairs, the tenant also levels similar allegations against the land lady. Whereas the letters written by Mr.A.B.Patwardhan go to show that both the parties are required to cooperate and further it appears that repair work has not yet commenced.

4. Without going into the veracity of the allegations and counter-allegations, we make it clear that the parties are bound by our order dated 14.10.2004, and we extend the time period to carry out the said repairs for one more year, from today.

5. Notice of Motion disposed of accordingly.

6. Prothonotary and Senior Master to communicate this order to the Architect Mr.A.B.Patwardhan, immediately.

[F.I.REBELLO,J.]

[SMT.V.K.TAHILRAMANI,J.]